



CGC

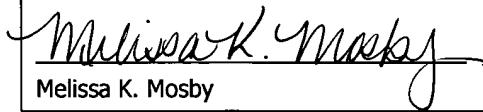
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title : Database Management System and Method which Monitors Activity Levels and Determines Appropriate Schedule Times  
Inventors : Melody Vos and Jeff Slavin  
Patent No : 6,944,630 § Issued : September 13, 2005  
Serial No : 09/990,583 § Filed : November 21, 2001  
Docket : 149-0045US

Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.8)

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to the Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **October 20, 2005**.

  
Melissa K. Mosby

**Request for Certificate of Correction Pursuant to  
35 U.S.C. 254 and 37 C.F.R. 1.322**

**Certificate  
OCT 26 2005  
of Correction**

On 8 December 2004 the Office mailed a first Notice of Allowance for the above-identified patent. See Exhibit A.

On 15 February 2005, Assignee filed an Amendment after Allowance pursuant to 37 C.F.R. 1.312. In this amendment, claims 4-7, 9, 16-19, 21, 28-31 and 33 were cancelled. See Exhibit B (including an "Auto-Reply Facsimile Transmission" page from the Office acknowledging receipt of same).

On 5 July 2005, the Office mailed a "Supplemental Notice of Allowance" that explicitly acknowledged receipt of Assignee's Amendment after Allowance and, further, acknowledging that claims 4-7, 9, 16-19, 21, 28-31 and 33 had been deleted. See Exhibit C.

The above-identified patent (USP 6,944,630) issued on 13 September 2005 containing claims 4-7, 9, 16-19, 21, 28-31 and 33.

As the above description and supporting documentation shows, this error was incurred through the fault of the Office. Accordingly, Assignee respectfully requests the

OCT 27 2005

Office issue a Certificate of Correction pursuant to 35 U.S.C. 254 in the form provided in the attached PTO Form PTO/SB/44 (See Exhibit D).



Coe F. Miles  
Reg. No. 38,559

20 OCT 2005

Date

Wong, Cabello, Lutsch, Rutherford & Bruculeri, L.L.P.  
20333 SH 249, Suite 600  
Houston, Texas 77070

Voice: 832-446-2418  
Mobile: 713-502-5382  
Facsimile: 832-446-2458

Email: cmiles@counselIP.com

**Exhibit A – Notice of Allowance  
Dated December 8, 2004**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

29855

7590

12/08/2004

WONG, CABELLO, LUTSCH, RUTHERFORD &  
BRUCCULERI,  
P.C.  
20333 SH 249  
SUITE 600  
HOUSTON, TX 77070

RECEIVED  
WONG CABELLO

DEC 13 2004

EXAMINER

AL HASHEMI, SANA A

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 12/08/2004

DOCKETED BY *14*  
ACTION *Resumé due 3-8-05*

APPLICATION NO.	FILING DATE	CHIEF NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,583	11/21/2001	Melody Vos	5253-04100 144-0045US	2043

TITLE OF INVENTION: DATABASE MANAGEMENT SYSTEM AND METHOD WHICH MONITORS ACTIVITY LEVELS AND DETERMINES APPROPRIATE SCHEDULE TIMES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	03/08/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**(703) 746-4000**

**or Fax**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

29855 7590 12/08/2004

**WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C.**  
**20333 SH 249**  
**SUITE 600**  
**HOUSTON, TX 77070**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

### Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,583	11/21/2001	Melody Vos	5253-04100	2043

**TITLE OF INVENTION: DATABASE MANAGEMENT SYSTEM AND METHOD WHICH MONITORS ACTIVITY LEVELS AND DETERMINES APPROPRIATE SCHEDULE TIMES**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	03/08/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			
AL HASHEMI, SANA A	2161	707-001000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

A check in the amount of the fee(s) is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Notice of Allowability**

Application No.	Applicant(s)	
09/990,583	VOS ET AL.	
Examiner	Art Unit	
Sana Al-Hashemi	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to application filed 11/21/01.
2.  The allowed claim(s) is/are 1-36.
3.  The drawings filed on 21 November 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

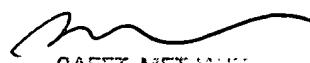
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
SAFETY METALLURGY  
SUPERVISORY PATENT  
TECHNOLOGIST

## DETAILED ACTION

Claim Status: 1-24 allowed.

### Allowable Subject Matter

Claims 1-36 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding Claims 1, 13, and 25, the prior art fail to teach or suggest the step of determining characteristics of the database objects, determining actions to be performed on the database objects based on the characteristics of the database objects, automatically determining a schedule for performing the actions on the database objects, wherein the schedule is based on the activity level statistics, performing the actions on the database objects based on the schedule, confirming the performing the actions on the database objects, and monitoring results of the performing the actions on the database objects, in conjunction with remaining claim provisions is not taught or suggested, or obvious over the prior art of record or that encountered in searching the invention.

The dependent claims 2-12, 14-24, and 26-36, being further limiting to the independent claims, definite and enabled by the Specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Comments

OCT 27 2005

**The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.**

**Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."**

As allowable subject matter has been indicated, Applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP section 707.07(a).

*Other Prior Art Made of Record*

1. Priven et al. (US Patent No. 5,327,559) discloses a remote and batch processing in an object oriented programming system.
2. Barritz (US Patent No. 5,590,056) discloses method and apparatus for computer program usage monitoring.
3. Saito et al. (Pub. No. US2004/0111441) disclose a symbiotic wide-area file system and method.

OCT 27 2005

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. She examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

---

Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
November 2, 2004

*S. Al-Hashemi*  
SAFET METJAHIC  
SUPERVISORY PATENT  
TECHNOLOGY 2100

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination 09/990,583 VOS ET AL.	
		Examiner	Art Unit Sana Al-Hashemi	2161 Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,590,056	12-1996	Barritz, Robert	702/186
*	B	US-5,327,559	07-1994	Priven et al.	718/101
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
*	U	Enumerate SQL Server using SQL DMO, Microsoft development, 1995
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

OCT 27 2005



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,583	11/21/2001	Melody Vos	5253-04100	2043
29855	7590	12/08/2004	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			AL HASHEMI, SANA A	
ART UNIT		PAPER NUMBER		
2161				
DATE MAILED: 12/08/2004				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 682 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 682 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

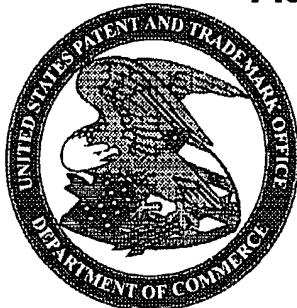
Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Exhibit B – Amendment after Allowance  
Dated February 15, 2005**

OCT 27 2005

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 8324462424

Fax Information  
Date Received: 2/15/2005 4:11:05 PM [Eastern Standard Time]  
Total Pages: 10 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

02/15/2005 15:12 8324462424	WONG CABELLO	PAGE 01
		
<p>Wong Cabello Counselors in Patent, Trademark &amp; Copyright Law Wong, Cabello, Lutschi, Rutherford &amp; Bruculieri, P.C.</p> <p>20333 SH 249, Suite 600 Houston, Texas 77070 Direct: 832-446-2416 Fax: 832-446-2424 smcdermott@counselip.com</p>		
<b>FACSIMILE TRANSMISSION COVER SHEET</b>		
Date: February 15, 2005	Art Unit: 2161	
To Examiner: Soroush A. Hashemi		
Fax: 703/872-9306		
From: Sean McDermott	Customer No: 29855	
Client/Matter: 149-0045US	Serial No.: 09/990,583	
Re: Please see the attached	Pages (including cover page): 10	
<b>Received in the United States Patent and Trademark Office</b>		
<ul style="list-style-type: none"><li>Transmittal - 1 page.</li><li>Amendment under 37 CFR 1.312 after Notice of Allowance 8- pages.</li></ul>		

RECEIVED  
WONG CABELLO

FEB 16 2005

DOCKETED BY KC  
ACTION /  
DUE DATE /

OCT 27 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

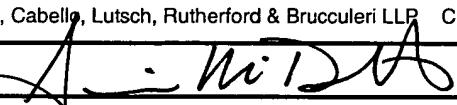
Total Number of Pages in This Submission

Application Number	09/990,583
Filing Date	11/21/2001
First Named Inventor	Melody Voss
Art Unit	2161
Examiner Name	Sana A. Al Hashemi
Total Number of Pages in This Submission	9
Attorney Docket Number	149-0045US

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input checked="" type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape/itable on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
Enclosed is an Amendment under 37 C.F.R. 1.312 after Notice of Allowance.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wong, Cabello, Lutsch, Rutherford & Bruculeri LLP Customer No. 29855		
Signature			
Printed name	Sean McDermott		
Date	Feb. 15, 2005	Reg. No.	49,000

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Sean McDermott	Date	Feb. 15, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 27 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/990,583 Confirmation No.: 2043  
Applicant : Melody Voss et al.  
Entitled : Database Management System and Method Which Monitors Activity  
Levels and Determines Appropriate Schedule Times  
Filed : 11/21/2001  
TC/A.U. : 2161  
Examiner : Sana A. Al Hashemi  
  
Docket No. : 149-0045US  
Customer No. : 29855

Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 CFR 1.312 AFTER NOTICE OF ALLOWANCE

Please amend the above-identified application, which was allowed on 12/8/2004, as follows:

**COPY**

- I. Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.
- II. Remarks** begin on page 7 of this paper.

**I. AMENDMENTS TO THE CLAIMS:**

The following listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims:**

1. (Original) A database management method comprising:  
collecting statistics relating to operation of a database, wherein the database comprises one or more database objects, and wherein the statistics comprise activity-level statistics, wherein the activity-level statistics measure a level of activity of the one or more database objects;  
determining characteristics of the database objects;  
determining actions to be performed on the database objects based on the characteristics of the database objects;  
automatically determining a schedule for performing the actions on the database objects, wherein the schedule is based on the activity-level statistics;  
performing the actions on the database objects based on the schedule;  
confirming the performing the actions on the database objects; and  
monitoring results of the performing the actions on the database objects.
  
2. (Original) The database management method of claim 1, wherein the statistics comprise object-level statistics.
  
3. (Original) The database management method of claim 1, wherein the determining the characteristics of the database objects comprises determining the characteristics of the database objects using the collected statistics.
  
- 4-7. (Cancelled)

8. (Original) The database management method of claim 1, further comprising: analyzing results of the performing the actions on the database objects.

9. (Cancelled)

10. (Original) The database management method of claim 1, wherein the determining the characteristics of the database objects comprises automatically determining the characteristics of the database objects.

11. (Original) The database management method of claim 1, wherein the determining the actions to be performed on the database objects based on the characteristics of the database objects comprises automatically determining the actions to be performed on the database objects based on the characteristics of the database objects.

12. (Original) The database management method of claim 1, wherein the performing the actions on the database objects based on the schedule comprises automatically performing the actions on the database objects based on the schedule.

13. (Original) A carrier medium comprising program instructions, wherein the program instructions are computer-executable to implement:

collecting statistics relating to operation of a database, wherein the database comprises one or more database objects, and wherein the statistics comprise activity-level statistics, wherein the activity-level statistics measure a level of activity of the one or more database objects;

determining characteristics of the database objects;

determining actions to be performed on the database objects based on the characteristics of the database objects;

automatically determining a schedule for performing the actions on the database

objects, wherein the schedule is based on the activity-level statistics; performing the actions on the database objects based on the schedule; confirming the performing the actions on the database objects; and monitoring results of the performing the actions on the database objects.

14. (Original) The carrier medium of claim 13, wherein the statistics comprise object-level statistics.

15. (Original) The carrier medium of claim 13, wherein the determining the characteristics of the database objects comprises determining the characteristics of the database objects using the collected statistics.

16-19. (Cancelled)

20. (Original) The carrier medium of claim 13, wherein the program instructions are further computer-executable to implement:

analyzing results of the performing the actions on the database objects.

21. (Cancelled)

22. (Original) The carrier medium of claim 13, wherein the determining the characteristics of the database objects comprises automatically determining the characteristics of the database objects.

23. (Original) The carrier medium of claim 13, wherein the determining the actions to be performed on the database objects based on the characteristics of the database objects comprises automatically determining the actions to be performed on the database objects based on the characteristics of the database objects.

24. (Original) The carrier medium of claim 13, wherein the performing the actions on the database objects based on the schedule comprises automatically performing the actions on the database objects based on the schedule.

25. (Original) A database management system comprising:

- a CPU;
- a database coupled to the CPU, wherein the database comprises one or more database objects;
- a memory coupled to the CPU, wherein the memory stores program instructions which are executable by the CPU to:
  - collect statistics relating to operation of the database, wherein the statistics comprise activity-level statistics, and wherein the activity-level statistics measure a level of activity of the one or more database objects;
  - determine characteristics of the database objects;
  - determine actions to be performed on the database objects based on the characteristics of the database objects;
  - automatically determine a schedule for performing the actions on the database objects, wherein the schedule is based on the activity-level statistics;
  - perform the actions on the database objects based on the schedule;
  - confirm the performing the actions on the database objects; and
  - monitor results of the performing the actions on the database objects.

26. (Original) The database management system of claim 25, wherein the statistics comprise object-level statistics.

27. (Original) The database management system of claim 25, wherein in determining the characteristics of the database objects, the program instructions are further executable by the CPU to determine the characteristics of the database objects using the collected statistics.

28-31. (Cancelled)

32. (Original) The database management system of claim 25, wherein the program instructions are further executable by the CPU to: analyze results of the performing the actions on the database objects.

33. (Cancelled)

34. (Original) The database management system of claim 25, wherein in determining the characteristics of the database objects, the program instructions are further executable by the CPU to automatically determine the characteristics of the database objects.

35. (Original) The database management system of claim 25, wherein in determining the actions to be performed on the database objects based on the characteristics of the database objects, the program instructions are further executable by the CPU to automatically determine the actions to be performed on the database objects based on the characteristics of the database objects.

36. (Original) The database management system of claim 25, wherein in performing the actions on the database objects based on the schedule, the program instructions are further executable by the CPU to automatically perform the actions on the database objects based on the schedule.

**II. Remarks**

Claims 1-36 were allowed in a Notice of Allowance mailed 12/8/2004. This amendment is being filed under 37 C.F.R. § 1.312 before the payment of the issue and cancels claims 4-7, 9, 16-19, 21, 28-31, and 33 from the application. Applicants respectfully request that the Office enter this amendment filed after the Notice of Allowance because the amendment embodies merely the cancellation of claims from the application and would not require more than a cursory review by the Office. *See MPEP 714.16.*

No fees are believed due at this time. The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. Should any fees be due for any reason, the undersigned representative authorizes the Commissioner to charge any additional fees that may be required to Deposit Account No. 501922, referencing order no. 149-0045US.

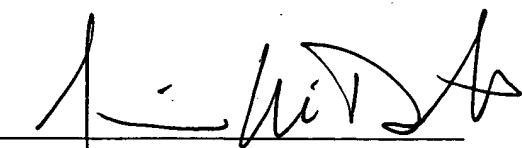
**COPY**

To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

Feb. 15, 2005

Date

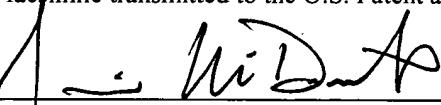
  
Sean McDermott  
Registration No. 49,000

**Customer No. 29855**  
Wong, Cabello, Lutsch,  
Rutherford & Brucculeri, LLP  
20333 State Highway 249, Suite 600  
Houston, Texas 77070  
Direct: 832/446-2416  
Fax: 832/446-2424

**COPY**

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

  
Signature

Sean McDermott  
(Print/Type)

2/15/05  
Date

TRANSMISSION VERIFICATION REPORT

TIME : 02/15/2005 15:15

DATE, TIME	02/15 15:12
FAX NO./NAME	917038729306
DURATION	00:03:02
PAGE(S)	10
RESULT	OK
MODE	STANDARD ECM

COPY

OCT 27 2005



Counselors in Intellectual Property

Wong, Cabello, Lutsch, Rutherford & Bruculeri, P.C.

20333 SH 249, Suite 600  
Houston, Texas 77070  
Direct: 832-446-2416  
Fax: 832-446-2424  
smcdermott@counselip.com

## FACSIMILE TRANSMISSION COVER SHEET

Date: **February 15, 2005**

To Examiner: **Sana A. Al Hashemi**

Art Unit: **2161**

Fax: **703/872-9306**

From: **Sean McDermott**

Customer No: **29855**

Client/Matter: **149-0045US**

Serial No.: **09/990,583**

Re: *Please see the attached*

Pages (including cover page): **10**

**Received in the United States Patent and Trademark Office**

- Transmittal – 1 page.
- Amendment under 37 CFR 1.312 after Notice of Allowance 8-pages.

OCT 27 2005

**Exhibit C – Supplemental Notice of Allowance  
Dated July 5, 2005**

OCT 27 2005



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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www.uspto.gov

## CORRECTED NOTICE OF ALLOWANCE AND FEE(S) DUE

29855 7590 07/05/2005

WONG, CABELLO, LUTSCH, RUTHERFORD &  
BRUCCULERI,  
P.C.  
20333 SH 249  
SUITE 600  
HOUSTON, TX 77070

RECEIVED  
WONG CABELLO

JUL - 8 2005

KC

DOCKETED BY  
ACTION  
DUE DATE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,583	11/21/2001	Melody Vos	5253-04100-	2043

TITLE OF INVENTION: DATABASE MANAGEMENT SYSTEM AND METHOD WHICH MONITORS ACTIVITY LEVELS AND DETERMINES APPROPRIATE SCHEDULE TIMES

149-0045 US

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$0	\$0	\$0	10/05/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

**or Fax** (703) 746-4000

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

29855 7590 07/05/2005

WONG, CABELLO, LUTSCH, RUTHERFORD &  
 BRUCCULERI,  
 P.C.  
 20333 SH 249  
 SUITE 600  
 HOUSTON, TX 77070

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,583	11/21/2001	Melody Vos	5253-04100	2043

TITLE OF INVENTION: DATABASE MANAGEMENT SYSTEM AND METHOD WHICH MONITORS ACTIVITY LEVELS AND DETERMINES APPROPRIATE SCHEDULE TIMES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$0	\$0	\$0	10/05/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			

AL HASHEMI, SANA A

2161

707-001000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,583	11/21/2001	Melody Vos	5253-04100	2043
29855	7590	07/05/2005		
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			EXAMINER	AL HASHEMI, SANA A
			ART UNIT	PAPER NUMBER
			2161	
			DATE MAILED: 07/05/2005	

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 682 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 682 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Supplemental  
Notice of Allowability

Application No.	Applicant(s)
09/990,583	VOS ET AL.
Examiner	Art Unit
Sana Al-Hashemi	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to applicant's amendment filed 2/15/05.
2.  The allowed claim(s) is/are 1-3, 8, 10-15, 21, 22-27, 32, 34-36 as renumbered 1-21.
3.  The drawings filed on 21 November 2001 are accepted by the Examiner. ✓
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

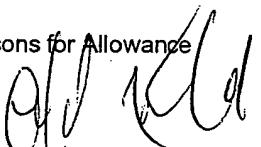
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
ALFORD KINDRED  
PRIMARY EXAMINER

### DETAILED ACTION

1. This action is issued in response to applicant's amendment filed 2/15/05.
2. Claim 1-3, 8, 10-15, 20, 22-27, 32, and 34-36 were allowed. Claims 4-7, 9, 16-19, 21, 28-31, and 33, were canceled.
3. Claims 1-3, 8, 10-15, 20, 22-27, 32, and 34-36 as renumbered 1-21 were allowed.

#### Allowable Subject Matter

Claims 1-3, 8, 10-15, 20, 22-27, 32, and 34-36 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding Claims 1, 13, and 25, the prior art fail to teach or suggest the step of determining characteristics of the database objects, determining actions to be performed on the database objects based on the characteristics of the database objects, automatically determining a schedule for performing the actions on the database objects, wherein the schedule is based on the activity level statistics, performing the actions on the database objects based on the schedule, confirming the performing the actions on the database objects, and monitoring results of the performing the actions on the database objects, in conjunction with remaining claim provisions is not taught or suggested, or obvious over the prior art of record or that encountered in searching the invention.

The dependent claims 2-12, 14-24, and 26-36, being further limiting to the independent claims, definite and enabled by the Specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Comments**

**The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.**

**Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."**

As allowable subject matter has been indicated, Applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with.

See 37 CFR 1.111(b) and MPEP section 707.07(a).

OCT 27 2005

*Other Prior Art Made of Record*

1. Priven et al. (US Patent No. 5,327,559) discloses a remote and batch processing in an object oriented programming system.
2. Barritz (US Patent No. 5,590,056) discloses method and apparatus for computer program usage monitoring.
3. Saito et al. (Pub. No. US2004/0111441) disclose a symbiotic wide-area file system and method.

*Points of Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. She examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahić, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to  
Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

**COPY**

---

Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
June 14, 2005

## **Exhibit D – Certificate of Correction (PTO/SB/44)**

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,944,630

DATED : September 13, 2005

INVENTOR(S) : Melody Vos and Jeff Slavin

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Patent at column 16, delete all of claim 4 (lines 64 - 67).

In the Patent at Column 17, delete all of claims 5, 6, 7, 9 and 16 (lines 1 - 10, 15 - 19 and 64 - 67).

In the Patent at Column 18, delete all of claims 17, 18, 19 and 21 (lines 1 - 10 and 15 - 19).

In the Patent at Column 19, delete all of claims 28, 29, 30, 31 and 33 (lines 1 - 18 and 25 - 27).

MAILING ADDRESS OF SENDER:

Wong, Cabello, Lutsch, Rutherford & Bruculer, LLP  
20333 SH 249, Suite 600  
Houston, TX 77070

PATENT NO. 6,944,630

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